

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANNE KELLEY and KENNETH HANSEN,)

Plaintiffs,)

v.)

MICROSOFT CORPORATION, a Washington)
corporation,)

Defendant.)

No. C 07-475 MJP

DECLARATION OF MIDORI
CHAN IN SUPPORT OF
MICROSOFT'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION

I, MIDORI CHAN, hereby declare as follows:

1. I am employed by Microsoft Corporation ("Microsoft") at our headquarters in Redmond, Washington. I have been employed by Microsoft for approximately 10 years. My current position at Microsoft is Director of Advertising. I have held that position since August 31, 2005. I am over 18 years of age. I have personal knowledge of the facts set forth herein, except as to those facts where I state that my understanding is based on information available to me as a Director of Advertising.

2. In my position as Director of Advertising, my responsibilities included managing the Windows Vista television advertisements. Consequently, I am familiar with the Microsoft Windows Vista advertising campaign, including television commercials advertising Microsoft Windows Vista.

DECLARATION OF MIDORI CHAN IN SUPPORT OF
MICROSOFT'S OPPOSITION TO PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION (C 07-475 MJP)—1

DWT 2166727v1 0025936-000689

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 · 1201 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 · Fax: (206) 757-7700


1 3. I understand that Plaintiffs have attached as Exhibit B to the Declaration of
2 Jeffrey I. Tilden Filed in Support of Plaintiffs' Motion for Class Certification a DVD
3 containing a television commercial advertisement for Microsoft Windows Vista.

4 4. The commercial contained on the DVD referenced in paragraph 3, above, aired
5 on television for the first time on April 20, 2007.

6 5. Two commercials similar to the commercial contained on the DVD referenced
7 in paragraph 3, above, aired on cable television channels between February 7, 2007 and
8 March 30, 2007. These two commercials first aired on network television channels on
9 February 8, 2007 and February 14, 2007, respectively.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on November 9, 2007.

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14 Midori Chan

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DECLARATION OF MIDORI CHAN IN SUPPORT OF
MICROSOFT'S OPPOSITION TO PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION (C 07-475 MJP)—2

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